

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

**MEMORANDUM OPINION ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Court heretofore ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable law and orders of this Court. The Court has received and considered the report of the United States magistrate judge pursuant to such order, along with the record and pleadings. No objections to the report of the United States magistrate judge were filed by the parties.

The court concludes that the findings of fact and conclusions of law of the United States magistrate judge are correct, and the report of the United States magistrate judge is **ADOPTED**. A Final Judgment will be entered separately granting Plaintiff's motion to dismiss.

SIGNED at Beaumont, Texas, this 17th day of March, 2011.

Maria A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE